## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

THE STATE OF TEXAS and	§ s	
THE STATE OF TEXAS AND	8 §	
THE STATE OF MISSOURI,	§	
Plaintiffs,	§ §	Case No. 2:21-cv-00067-Z
, , , , , , , , , , , , , , , , , , ,	§	
v.	§ 8	
JOSEPH R. BIDEN, JR., in his official	\$ §	
capacity as President of the United	§	
States of America, et al.,	§	
	§	
Defendants.	§	

## UNOPPOSED MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT

Plaintiffs move for leave to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2). "The court should freely give leave" because "justice so requires." Fed. R. Civ. P. 15(a)(2). Defendants do not oppose this motion.

In this case, the Supreme Court of the United States ordered that "[o]n remand, the District Court should consider in the first instance whether the October 29 Memoranda comply with section 706 of the APA." Biden v. Texas, 142 S. Ct. 2528, 2548 (2022) (citing Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 46–57 (1983)); id. at 2549 (Kavanaugh, J., concurring) ("The question of whether DHS's October 29 decision satisfies the State Farm standard is not before this Court at this time. The Court today therefore properly leaves the State Farm issue for consideration on remand."); id. at 2559 (Alito, J.,

dissenting) ("I agree with the majority that the District Court on remand should consider in the first instance whether the October 29 Memoranda complied with § 706 of the APA.").

Following the Fifth Circuit's remand to this Court "for further proceedings consistent with the Supreme Court's decision," ECF 144 at 2, Plaintiffs respectfully request that the Court grant this motion for leave to amend and order the Clerk of Court to file the Second Amended Complaint, attached hereto in accordance with Local Civil Rule 15.1(b). The exhibits to the Second Amended Complaint are attached as well.

Dated: August 8, 2022

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## CERTIFICATE OF CONFERENCE

I certify that on August 8, 2022, I conferred with Defendants' counsel, who represented that Defendants do not oppose this motion.

/s/ Ryan D. Walters
Ryan D. Walters

## CERTIFICATE OF SERVICE

I certify that on August 8, 2022, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Ryan D. Walters
RYAN D. WALTERS